

EPHRAIM SAVITT

*Attorney at Law*

165 WEST END AVENUE, SUITE 8B  
NEW YORK, NEW YORK 10023

PHONE: (917) 885-5753  
EMAIL: EPHRAIM@SAVITTESQ.COM

BY ECF and EMAIL

Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007

April 3, 2019

Re: United States v. Moshe Benenfeld  
Docket No. 1:18-cr-485-LAP  
Requested Adjournment of Sentencing

Dear Judge Preska:

I respectfully submit this letter, on behalf of my client Moshe Benenfeld, to request another adjournment of his sentencing date from May 29<sup>th</sup> to September 24, 2019 at 10 am. Ms. Belmonte of Your Honor's chambers advised that the requested adjourn date is convenient for the Court. AUSA Dina McLeod advised that the government consents to this application and that the date is also convenient for the government.

The primary reason for this requested adjournment is my continued recovery from 2 regimens of post-cancer surgery radiation spanning 8 weeks, which ended just 3 weeks ago. My surgeon and oncology doctors expect that I will make a full recovery by the middle of the Summer and that I will be able to function at least as well as I had before my cancer operations last Autumn, although I am ever-hopeful for an improvement over my past performances.

In addition, Mr., Benenfeld has far more serious health issues which require constant medical monitoring, and the adjournment will give his physicians the chance to treat him and, hopefully, improve his health. He underwent major surgery in February, the particulars of which I will explain in our sentencing memorandum in a section to be filed under seal for his privacy. He is being

examined closely by his surgeon and post-surgical team and has been hospitalized several times since his surgery because of chronic post-surgical infections. He is scheduled to be examined several times a month during the first year after the operation because of the concern that additional infections will seriously compromise his health.

Mr. Benenfeld has not recovered from the serious neurological condition that has left him wheelchair-bound at the relatively young age of 51. He is functionally immobile and is continuing to undergo therapy to regain his mobility which, to date, has not yielded significant progress. The additional period before sentencing will hopefully allow him to regain some of his mobility by then, with the help of his neurologist and physical therapist.

I thank Your Honor for your courtesy and consideration.

Respectfully submitted,

Ephraim Savitt, Esq.  
*Attorney for Defendant*  
*Moshe Benenfeld*

Cc: AUSA Dina McLeod (by email and ECF)  
Probation Officer Michelle Millan (by email)